



DSW

Docket No.: 2801-0208P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: _____
Martin J. PAGE et al.

Application No.: 10/765,067

Confirmation No.: 2323

Filed: January 28, 2004

Art Unit: 1644

For: GLYCOSYLATED ANTIBODY

Examiner: P. Gambel

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE
1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☐ a. Copies of cited U.S. patents and patent application publications are not included.
Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

☒ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

10/145,992 filed May 16, 2002

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☐ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - The following additional information is provided for the Examiner's consideration:

i) Page 1/5 and 2/5 of attached Form PTO/SB/08's are references of record in related European App. No. 0 523 949;

ii) Pages 2/5-5/5 of the attached Form PTO/SB/08's are references of record in related re-examination No. 90/006,656;

iii) U.S. 5,122,469; Handa-Corrigan et al., *Enz. Microb.* 11; 230-235 (1989) and Schneider et al., *J. Immunol. Meth.* 116: 65-77 (1989) were cited by the Examiner in related Application No. 10/145,992;

iv) US 5,633,162; US 5,316,938 and Oka et al., *Biprogess Technol.* Vol. 10, 71-92 (199) were submitted by Applicant with Information Disclosure Statements in related Application No. 10/145,992.

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
(This section is not to be used with RCE's.)

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☒ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☐ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.
or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. **Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or**

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

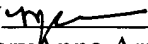
- ☐ The required fee is listed on the attached Fee Transmittal.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: AUG 15 2006

Respectfully submitted,

By 
Mary Anne Armstrong
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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Falls Church, Virginia 22040-0747
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Attorney for Applicant

Attachment(s):

- ☒ PTO-SB08
- ☐ Documents
- ☐ Foreign Search Report
- ☐ Fee
- ☐ Other:



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/765,067-Conf.#2323
				Filing Date	January 28, 2004
				First Named Inventor	Martin J. PAGE
				Art Unit	1644
				Examiner Name	P. Gambel
Sheet	1	of	5	Attorney Docket Number	2801-0208P

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA*	US-5,807,715	09-15-1998	Morrison et al.	
	AB*	US-5,876,961	03-02-1999	Crowe et al.	
	AC*	US-5,122,469	06-16-1992	Mather et al.	
	AD*	US-5,633,162	05-27-1997	Keen et al.	
	AE*	US-5,316,938	05-31-1994	Keen et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	WO-91/04336-A1	04-04-1991	Centocor, Inc.		✓
	BB	WO-87/01131-A1	02-26-1987	Gene Labs, Inc.		✓
	BC	WO-93/02108	02-04-1993	IDEC Pharm. Corp.		✓
	BD	WO-89/00999-A1	02-09-1989	Inter.Genetics Eng., Inc.		✓
	BE	EP-0 404 003	12-27-1990	XOMA Corp.		✓
	BF	EP-0 314 161-A1	05-03-1989	Bristol Myers Squibb		✓

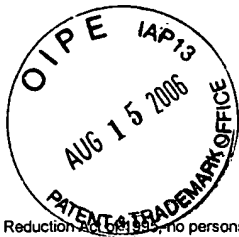
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Reply of Applicant concerning EP92306420.8 dated 15 October 1999.	
	CB	Liu et al.; Gene 54, pp. 33-40 (1987)	
	CC	Signed Declaration of Dr. John Adair; from EP 92 06420.8	
	CD	Neuberger M.S. et al.; Nucleic Acids Research, Vol. 16, No. 14, pp. 6713-6724 (1988)	
	CE	Rose B. et al.; Molecular Immunology, Vol. 29, No. 1, pp. 131-144 (1992).	
	CF	Declaration of Dr. J. Adair (unsigned), from EP 92 306 420.8	
	CG	Levy, S. et al.; Gene 54, pp. 167-173 (1987)	
	CH	Persson M.A. et al.; PNAS, Vol. 88, pp. 2432-2436 (March 1991).	
	CI	Liu, A. Y. et al.; J. Immunology, Vol. 139, No. 10, pp. 3521-3528 (November 1987).	
	CJ	Liu, A.Y. et al.; PNAS, Vol. 84, pp. 3439-3443 (1987).	
	CK	Mountain A and Adair J.R.; Biotechnology and Genetic Engineering Reviews, Vol. 10, p. 1-142 (December 1992).	
	CL	Sambrook et al.; Molecular cloning: A Laboratory Manual, pp. 8.8-8.10. (1989)	
	CM	Lewis, A. P. et al.; Hum. Antibod. Hybridomas, Vol. 3, pp. 146-152 (July 1992).	
	CN	Ehrlich, P.H. et al.; Molecular Immunology, Vol. 28, No. 4/5, pp. 319-322 (1991).	
	CO	Reply of Applicant concerning EP92306420.8 dated 28 May 1998 (as filed in Opposition).	
	CP	Knight, D.M. et al.; Hum. Antibod. Hybridomas, Vol. 3, pp. 129-136 (July 1992).	
	CQ	Robinson R.R. et al.; Hum. Antibod. Hybridomas, Vol. 2, pp. 84-93 (April 1991).	

Examiner Signature	Date Considered
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Birch, Stewart, Kolasch & Birch, LLP

MAA:bmp



PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/765,067-Conf.#2323
		Filing Date	January 28, 2004
		First Named Inventor	Martin J. PAGE
		Art Unit	1644
		Examiner Name	P. Gambel
Sheet	2	of	5
		Attorney Docket Number	2801-0208P

CR	Bebbington C.R.; Methods; A companion to Methods in Enzymology; Vol. 2, No. 2, pp. 136-145 (April 1991).	
CS	Carter, P. et al.; PNAS, Vol. 89, pp. 4285-4289 (May 1992)	
CT	Handa-Corrigan et al., Enzym. Microb. 11: 230-235 (1989)	
CU	Schneider et al., J. Immunol. Meth. 116: 65-77 (1989)	
CV	Ehrlich et al.; Hum. Antib. Hybridomas, Vol. 1, pp. 23-26 (1990)	
CW	Bebbington, C.R. et al.; Biotechnology, Vol. 10, pp. 169-175 (1992)	
CX	Fouser, L.A. et al.; Biotechnology, Vol. 10, pp. 1121-1127 (1992)	
CY	Gillies, S.D. et al.; J. Immunol. Methods, Vol. 125, pp. 191-202 (1989)	
CZ	King, D.J. et al.; Biochem. J., Vol. 281, pp. 317-323 (1992)	
CA1	Larrick, J. W. et al.; Biotechnology, Vol. 7, pp. 934-938 (1989).	
CB1	Newman, R. et al.; Biotechnology, Vol. 10, pp. 1455-1460 (1992)	
CC1	Specification of U.S. Appl. No. 07/856,281.	
CD1	Specification of U.S. Appl. No. 07/735,064.	
CE1	Reasons for Allowance in U.S. Patent 5,876,961 (App. No. 08/378,939).	
CF1	Oka et al., Bioprocess Technol. Vol. 10, 71-92 (1990)	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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Birch, Stewart, Kolasch & Birch, LLP

MAA:bmp



PTO/SB/08a/b (07-05)

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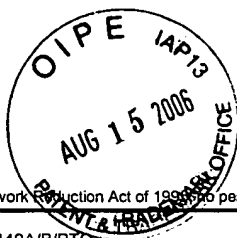
Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Complete if Known		
			Application Number	10/145,992-Conf. #93992323	
			Filing Date	January 28, 2004	
			First Named Inventor	Martin J. PAGE	
			Art Unit	1644	
			Examiner Name	P. Gambel	
Sheet	3	of	5	Attorney Docket Number	2801-0174P

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA*	US-4,205,126	05-27-1980	Cartaya, Oscar A.	
	AB*	US-4,608,337	08-26-1986	Croce, Carlo M.	
	AC*	US-4,657,866	04-14-1987	Kumar, S.	
	AD*	US-4,767,704	08-30-1988	Cleveland, W. L. et al.	
	AE*	US-4,929,706	05-29-1990	Heifetz, A.H. et al.	
	AF*	US-5,001,065	03-19-1991	Larrick, J.W. et al.	
	AG*	US-5,045,468	09-03-1991	Darfler, F.J.	
	AH*	US-5,063,157-A	11-05-1991	Stockinger, H.	
	AI*	US-5,135,866	08-04-1992	Heifetz, A. H. et al.	
	AJ*	US-6,291,158-B1	09-18-2001	Winter, G. P. et al.	

FOREIGN PATENT DOCUMENTS						
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA**	JP-63-7780-A	01-13-1988	Nippon Zenyaku Industries, Co., Ltd.		✓
	BB	FR-2 543 158-A1	09-28-1984	Institut National de la Sante et de la Recherche Medicale		✓
	BC	JP-61 25480-A	04-02-1986	Nissui Seiyaku Co.		✓
	BD	EP-0 307 247-A2	03-15-1989	Genentech, Inc.		✓
	BE	EP-0 316 068-A1	05-17-1989	Collaborative Research, Inc.		✓
	BF**	EP-0 239 400-A2	09-30-1987	Winter, Gregory Paul		✓
	BG	EP-0 325 190-A2	11-05-1991	BOEHRINGER MANNHEIM GmbH		✓
	BH	EP-0 389 786-A1	10-03-1990	W. R. Grace & Co.-Conn.		✓
	BI	EP-0 390 327-A2	10-03-1990	Eli Lilly and Company		
	BJ	WO-88 00967-A1	02-11-1988	The University of New South Wales (AU)		✓
	BK	GB-2 196 328-A1	04-27-1988	Ceskoslovenska Akadmie Ved		✓
						✓
						✓

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ** CITE NO.: Those document(s) which are marked with a double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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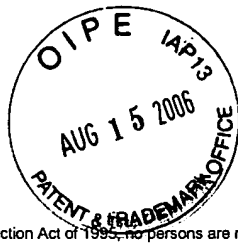
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Sheet	4	of	5	Attorney Docket Number	2801-0174P

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	1990 GIBCO BRL Catalogue & Reference Guide	
	CB	Ahmed, S., "Eating Human Hair by Another Name?" (2001) [www.albalagh.net/halal/col2/shtml]	
	CC	Blech, Z. Y., reprinted with permission from <i>MK News and Views</i> , Vol. IV, Issue 6 (May 2003)	
	CD	Brown, P. et al., <i>Emerging Infectious Diseases</i> , Vol. 7, No. 1, pp. 6-16 (2001)	
	CE	C6852, <i>Biochemicals and Reagents for Life Science Research</i> , p. 600 (2002-2003) Sigma-Aldrich Company (Current website information also included)	
	CF	C7880, <i>Biochemicals and Reagents for Life Science Research</i> , p. 600 (2002-2003) Sigma-Aldrich Company (Current website information also included).	
	CG	C8503, <i>Biochemicals and Reagents for Life Science Research</i> , p.508 (2002-2003) Sigma-Aldrich Company (Current website information also included)	
	CH	Darfler, F. J., <i>In Vitro Cell Dev. Biol.</i> , Vol. 26, pp. 779-783 (August 1990).	
	CI	Darfler, F. J.; <i>In Vitro Cell. Dev. Biol.</i> , Vol. 26, pp. 769-778 (August 1990).	
	CJ	Dickman, Steven, <i>Nature</i> , Vol. 329, , p. 193 (1987).	
	CK	Freshney, R. I. et al.; <i>Culture of Animal Cells</i> , Second Edition, Wiley-Liss, pp. 57-84 (1987).	
	CL	Dyer, Martin J.S. et al.; <i>Blood</i> , Vol. 73, No.6., pp. 1431-1439 (1989).	
	CM	Goeddel, David V. et al.; <i>Proceedings of the National Academy of Sciences USA</i> , Vol. 76, No. 1, pp. 106-110 (1979)	
	CN	Feldman G.M., (Oct. 2001). "Amino Acid Production and the Associated Theoretical Risk of BSE Transmission from their Use in the Production of Biologicals, Drugs, and Medical Devices", <i>FDA TSA Advisory Committee Meeting</i> [www.fda.gov/Ohrms/dockets/ac/01/slides/	
	CO	Feys, V. et al.; <i>Chemical Abstracts</i> , Vol. 108, (23) p. 514 (1988). Abs. No. 202886C	
	CP	Gasser, F. et al.; <i>In Vitro Cellular & Developmental Biology</i> , Vol. 21, No. 10, pp. 588-592 (1985).	
	CQ	Hale, G. et al.; <i>Journal of Immunological Methods</i> , Vol. 103, pp. 59-67 (1987).	
	CR	Hale, G. et al.; <i>Mol. Biol. Med.</i> , Vol. 1, pp. 305-319 (1983).	
	CS	Ham, R. G.; <i>Proceedings of the National Academy of Sciences</i> , Vol. 53, pp. 288-293 (1965)	
	CT	Hamilton, W. G. et al.; <i>In Vitro</i> , Vol. 13, No. 9, pp. 537-547 (1977).	
	CU	Holttä, E. et al.; <i>Biochimica et Biophysica Acta</i> , Vol. 721, pp. 321-327 (1982).	
	CV	Kagawa, Y. et al.; <i>Journal of Biochemistry</i> , Vol. 68, pp. 133-136 (1970).	
	CW	Keay, L.; <i>Biotechnology and Bioengineering</i> , Vol. XVIII, pp. 363-382 (1976).	
	CX	Kohrle, J., <i>Biochimie</i> , Vol. 81, pp. 527-533 (1998).	
	CY	Marquis, C.P. et al.; <i>Cytotechnology</i> , Vol. 2, pp. 163-170 (1989).	
	CZ	McCormick, F. et al.; <i>Molecular and Cellular Biology</i> , Vol. 4, pp. 166-172 (1984).	
	CC1	McKeehan W. L. et al., <i>Proceedings of the Natinal Academy of Sciences, USA</i> , Vol. 73, No. 6, pp. 2023-0227 (1976).	

Examiner Signature	Date Considered
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			Examiner Name	P. Gambel	
Sheet	5	of	5	Attorney Docket Number	2801-0174P

	CD1	Mendiaz, E. et al.; <i>In Vitro Cellular & Developmental Biology</i> , Vol. 22, pp. 66-74 (1986)	
	CE1	Murphy, <i>Science</i> , Vol. 273 pp. 746-747 (1996)	
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